THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23909 of 2006

Between:

M/s.A.K.Industries.

.. PETITIONER

and

Andhra Pradesh Industrial Infrastructure
Corporation Limited and others.

..
RESPONDENTS

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ORDER:

It is stated that the petitioner made an application for allotment of

land to start a small scale unit under the name and style of M/s. A.K.Industries. Pursuant to the said application, the respondents vide letter, dated 28-02-2005, allotted plot No.124/B/1, admeasuring 800 sq. mtrs. situated at Phase II, IDA, Cherlapally, for establishing an industry for manufacture of machining works. The petitioner also paid the entire amount of Rs.4,93,191/- towards land cost. Thereafter, the 2nd respondent by impugned letter No.6341/IDA/CHP/PH.II/05, dated 06-11-2006, withdrawn the provisional allotment of the said plot No.124/B/1, admeasuring 800 sq. mtrs. situated at Phase-II, IDA, Cherlapally, and informed that the amount paid by the petitioner is sought to be refunded separately.

The said order, dated 06-11-2006, has been questioned in this writ petition contending that the petitioner has not been given any notice and no reasons have been assigned for withdrawing the provisional allotment of the plot in question and, therefore, the said letter, dated 06-11-2006, is illegal and against the principles of natural justice.

A counter has been filed stating that after withdrawing the said provisional allotment, a cheque bearing No.595655, dated 13-11-2006, for a sum of Rs.4,91,191/- was sent by registered post with acknowledgement due, but the same was returned undelivered by the postal authorities. It is further stated that neither revised agreement of sale is executed nor possession of the plot was handedover to the petitioner. It is further stated that as provisional allotment was not confirmed through final allotment letter, the respondents are entitled to withdraw the said provisional allotment.

I am unable to accept the said contention. As the petitioner is entitled for a notice for what purpose and for what violations of the petitioner, the respondents are inclined to withdraw provisional allotment

order. Since the impugned order is in utter violation of principles of natural justice, the same is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the order, dated 06-11-2006. However, it is open for the respondents to issue a show cause notice to the petitioner and after giving reasonable opportunity to the petitioner, appropriate action can be taken in accordance with law. Till then, the plot in question shall not be allotted in favour of any other person. There shall be no order as to costs.

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19-04-2007

Prv